

the constitutionality of County Commissioners appropriating County Taxes for the use of County Schools, be referred to the Committee on the Judiciary.

On motion of Mr. Baldwin,

The Senate adjourned till Monday morning, 10 o'clock.

MONDAY, Dec. 13, 1852.

The Senate met pursuant to adjournment. Rev. Mr. Asay officiated as chaplain.

A quorum being present, the proceedings of Saturday were read and approved.

On motion, the rule was waived, and Mr. Stewart allowed to introduce without previous notice, the three following Bills to wit:

A bill to be entitled An Act to amend an act entitled an act to grant pre-emption rights to settlers on State Lands, approved Dec. 27, 1848.

Also, a bill to be entitled An Act to amend an act entitled an act giving to the Judge of Probate of Escambia and Hamilton Counties, the powers of Justice of the Peace, in certain cases;

Also the following:

A bill to be entitled An Act to change an election precinct in the county of Nassau, and to provide for the transmission of poll books to the Judge of Probate.

Which bills were placed among the orders of the day.

Mr. Forsyth, according to previous notice, introduced a bill to be entitled An Act to amend an act entitled an act in relation to rafted lumber adrift, and for other purposes.

Which was received, and placed among the orders of the day.

Mr. Gonzalez according to previous notice, introduced the following bills, viz:

A bill to be entitled An Act to incorporate the Pensacola and Mobile Bay Rail Road Company.

Also the following:

A bill to be entitled, An Act giving the Alabama and Florida Rail Road Company the right to extend their Road into the State of Florida, and construct Branch Roads with chartered privileges;

Which were read, and placed among the orders of the day.

Mr. Forsyth gave notice, that he would on some future day ask leave to introduce a bill to be entitled A general Banking Law.

Also a bill to create the office of State Engineer, and for other purposes.

Mr. Finley from the Committee on Engrossed Bills, made the following report:

The Committee on Engrossed Bills report as correctly engrossed,

An Act to amend the several acts now in force in this State in relation to the duties and responsibilities of Judges of Probate;

An Act for the relief of John B. Allen; and

An Act supplementary to an act entitled an act giving the election of Judges of Probate to the people.

Respectfully submitted,

J. J. FINLEY,

Chairman.

Which was received and read, and the bills placed first among the orders of the day.

The following message was received from the House of Representatives, viz:

HOUSE OF REPRESENTATIVES, }
December 11, 1852. }

HON. PRESIDENT OF THE SENATE:

Sir,—The House have appointed Messrs. Polhill, Heerman, Osteen, Hall and Dewitt a committee to act with a similar committee on the part of the Senate, to examine the office of the Comptroller of Public Accounts.

Respectfully,

JOHN DICK,

Clerk of House of Representatives.

Which was read. Also the following:

HOUSE OF REPRESENTATIVES, }
December 11, 1852. }

HON. PRESIDENT OF THE SENATE:

Sir,—The enclosed bills and resolutions, entitled respectively—

An Act to incorporate the Pensacola Rail Road Company;

An Act declaring Crooked river, in Franklin County, a navigable stream;

Resolution for the relief of John W. Starke; and

Resolution asking an appropriation by Congress for the purpose of removing obstructions at the bar of Volusia, on Lake George,

Have this day passed the House.

Respectfully,

JOHN DICK,

Clerk of House of Representatives.

Which was read, and the bills placed among the orders of the day.

Also the following:

HOUSE OF REPRESENTATIVES, }
December 11, 1852. }

HON. PRESIDENT OF THE SENATE:

Sir,—The enclosed Senate bills, to be entitled respectively—

An Act to authorize Lucius A. Hardee to establish ferries across the Suwannee and Withlacoochee rivers, and

An Act to provide for the election of a county site in the county of Walton,

Have this day passed the House without amendment.

Respectfully,

JOHN DICK,

Clerk of House of Representatives.

Which was read, and the bills ordered to be enrolled.

Also the following :

HOUSE OF REPRESENTATIVES, }
December 11, 1852. }

HON. PRESIDENT OF THE SENATE:

Sir,—The House have passed the enclosed bill, to be entitled An Act to incorporate Leon Lodge No. 5, I. O. O. F.

Respectfully, JOHN DICK,

Clerk House of Representatives.

Which was read, and the bill placed among the orders of the day.

On motion, the rule was waived, when Mr. Baldwin moved that a Committee of Three be appointed to act with a similar committee of the House for examining the condition of the Capitol and public offices, and report without delay.

Upon which motion, the following committee was appointed, viz: Messrs. Baldwin, Johnson and Forsyth.

ORDERS OF THE DAY.

A bill to be entitled An Act to amend the several acts now in force in this State in relation to the duties and responsibilities of Judges of Probate,

Was read a third time, and upon the question of its passage, the vote was as follows, viz :

YEAS—Mr. President, Messrs. Baldwin, Blackburn, Brown, Buddington, Gonzalez, Hawes, Johnson, Long, Moseley and Provence—11.

NAYS—Messrs. Finley, Forsyth, Gillis, Smith, Snell and Stewart—6.

So the bill passed—title as stated.

Ordered, That the same be certified to the House of Representatives.

A bill to be entitled An Act supplementary to an act entitled an act giving the election of Judges of Probate to the people,

Was read a third time, and upon the question of its passage, the vote was—

YEAS—Mr. President, Messrs. Baldwin, Blackburn, Brown, Buddington, Finley, Forsyth, Gillis, Gonzalez, Hawes, Johnson, Long, Moseley, Smith, Snell and Stewart—16.

NAYS—None.

So the bill passed—title as stated.

Ordered, That the same be certified to the House of Representatives.

A bill to be entitled An Act for the relief of John B. Allen,

Was read a third time, and upon the question of its passage, the vote was—

YEAS—Mr. President, Messrs. Baldwin, Blackburn, Brown, Buddington, Finley, Forsyth, Gillis, Gonzalez, Hawes, Johnson, Long, Moseley, Snell and Stewart—15.

NAYS—0.

So the bill passed, title as stated.

Ordered, That the same be certified to the House of Representatives.

A bill to be entitled An Act to amend and simplify the Election Laws now in force in this State,

Came up, when on motion, the Senate went into Committee of the Whole upon said bill;

After some time spent therein, the Committee rose, and through their Chairman, reported the bill back to the Senate, with sundry amendments and asked to be discharged;

Which report was concurred in, and the bill ordered for a second reading on to-morrow.

A bill to be entitled An Act to remove and permanently fix the Seat of Government of this State,

Came up, when on motion, the Senate went into Committee of the Whole upon said bill;

After some time spent therein, the Committee rose, and through their Chairman, reported progress and asked leave to sit again;

Which report was concurred in.

House bill to be entitled An Act for preventing obstructions to the navigation of the St. Johns River,

Was read a third time, and upon the question of its passage, the vote was :

YEAS—Mr. President, Messrs. Baldwin, Blackburn, Brown, Buddington, Finley, Forsyth, Gillis, Gonzalez, Johnson, Long, Moseley, Provence, Smith, Snell and Stewart—16.

NAYS—0.

So the bill passed, title as stated.

Ordered, That the same be certified to the House of Representatives.

On motion, a committee consisting of Messrs. Brown, Finley and Snell, was appointed to return to the House of Representatives, a bill passed by that body, authorizing Lucius A. Hardee to establish ferries across the Suwanee and Withlacoochee rivers;

Which Committee returned and stated that they had performed that duty.

House bill to be entitled An Act for the relief of Wm. M. Garrison was read a third time;

Upon the question of its passage the vote was :

YEAS—Mr. President, Messrs. Baldwin, Blackburn, Brown, Buddington, Finley, Gillis, Gonzalez, Johnson, Long, Moseley, Provence, Snell and Stewart—14.

NAYS—Mr. Forsyth—1.

So the bill passed, title as stated.

Ordered, That the same be certified to the House of Representatives.

A bill to be entitled An Act concerning the records of the Court of Appeals and the Superior Courts of the Territory of Florida,

Was read a second time, and on motion,

Ordered, That 75 copies be printed, and the bill be referred to the Committee on the Judiciary.

A bill to be entitled An Act to abolish and repeal the 2d clause or section, of the 11th article of the Constitution of this State,

Was read a second time, and on motion, referred to the Committee on Revision of the Constitution.

On motion,

The Senate took a recess until half past two o'clock.

HALF PAST 2 O'CLOCK.

The Senate met pursuant to adjournment. A quorum being present, the business was resumed.

A bill to be entitled An Act in relation to and defining the duties of ex-officio administrators of estates,

Was read a second time, and on motion, referred to the Committee on the Judiciary.

Resolution in regard to the Internal Improvement and Seminary funds,

Was read a second time, and ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled An Act for the relief of Wm. Watson,

Was read a first time, and on motion, the rule was waived, and the bill was read a second time by its title.

On motion, the bill was ordered to be engrossed for a third reading on to-morrow.

A bill to be entitled An Act in relation to executors and administrators,

Was read a second time by its title, and referred to the Committee on the Judiciary.

A bill to be entitled An Act to amend an act entitled an act to grant pre-emption rights to settlers on State Lands, approved December 27, 1848,

Was read a first time, and ordered for a second reading on to-morrow.

A bill to be entitled An Act to amend an act entitled an act giving to the Judge of Probate of Escambia and Hamilton Counties, the powers of Justice of the Peace in certain cases,

Was read a first time and ordered for a second reading on to-morrow.

A bill to be entitled An Act to change an election precinct in the County of Nassau, and to provide for the transmission of poll books to the Judge of Probate,

Was read a first time, and ordered for a second reading on to-morrow.

A bill to be entitled An Act to amend an act in relation to rafted lumber adrift, and for other purposes,

Was read a first time and ordered for a second reading on to-morrow.

A bill to be entitled An Act to incorporate the Pensacola and Mobile Bay Railroad Company,

Was read a first time, and on motion the rule was waived and the bill read second time by title, and was referred to the Committee on Corporations.

A bill to be entitled An Act giving the Alabama and Florida Railroad Company, the right to extend their road into the State of Florida, and construct Branch roads with chartered privileges,

Was read a first time and the rule waived, read a second time by its title and referred to the Committee on Corporations.

House bill to be entitled An Act to incorporate the Pensacola Rail Road company,

Was read a first time, the rule waived, read a second time by its title and, on motion, referred to the Committee on Corporations.

House resolution for the relief of John W. Starke,

Was read a first time and ordered for a second reading on to-morrow.

House resolution asking for an appropriation by Congress for the purpose of removing obstructions from the Bar of Volusia, on Lake George,

Was read the first time and ordered for a second reading on to-morrow.

House bill to be entitled An Act declaring Crooked River, in Franklin County, a navigable stream,

Was read a first time and ordered for a second reading on to-morrow.

House bill to be entitled An Act to incorporate Leon Lodge No. 5, I. O. O. F.,

Was read a first time and ordered for a second reading on to-morrow.

House resolution to adjourn *sine die* on the 23d instant,

Was read a second time, when Mr. Finley moved that it be laid upon the table. Upon which motion the yeas and nays were called for by Messrs. Blackburn and Brown, and were:

YEAS—Messrs. Finley, Forsyth, Gillis, Long, Provence, Smith and Snell—7.

NAYS—Mr. President, Messrs. Blackburn, Brown, Buddington, Johnson, Moseley and Stewart—7.

So the motion to lay on the table was lost.

Mr. Snell moved that the resolution be indefinitely postponed.—Upon which motion the yeas and nays were called for by Messrs. Blackburn and Johnson, and were:

YEAS—Messrs. Finley, Forsyth, Long, Provence, Smith and Snell—6.

NAYS—Mr. President, Messrs. Blackburn, Brown, Buddington, Gillis, Johnson, Moseley and Stewart—8.

So the motion to indefinitely postpone was lost.

Mr. Provence moved that the resolution be made the special order of the day for the 22d instant,

Upon which motion the yeas and nays were called by Messrs. Brown and Blackburn, and were as follows :

YEAS—Messrs. Finley, Forsyth, Gillis, Long, Provence, Smith and Snell—7.

NAYS—Mr. President, Messrs. Blackburn, Brown, Buddington, Johnson, Moseley and Stewart—7.

So the motion was lost.

Ordered, That the resolution be read a third time on to-morrow.

On motion,

The Senate adjourned until to-morrow morning, 10 o'clock.

TUESDAY, December 14, 1852.

The Senate met pursuant to adjournment. Rev. Mr. Asay officiated as chaplain.

A quorum being present, the proceedings of yesterday were read and approved.

Mr. Long, from the Committee on Enrolled Bills, made the following report, viz :

The Committee on Enrolled Bills have examined An Act to separate the offices of Sheriff and Tax Assessor and Collector in the County of Nassau ; also,

A Resolution in regard to the establishment of a land office at Tampa,

And have directed me to report the same as having been correctly enrolled.

Which is respectfully submitted.

M. A. LONG,

Chairman Committee on Enrolled Bills.

Mr. Long, from the Committee on the Judiciary, made the following report :

The Judiciary Committee, to whom was referred An Act to amend the act in relation to executors and administrators, beg leave to report :

That they have had the same under consideration, and recommend the passage of the bill. The bill dispenses with litigation and expense, and yet effectually secures the interests of all persons interested in its operations. By the existing laws, after a judgment for assets has been obtained, and a return of execution thereon of no property, or less than enough to pay the same, a suit by *scire facias* is required to be instituted to establish the *devastavit*, or waste of the assets, and before a suit can be brought against the securities of the administration, an execution must be returned no property found ; whereas, by the proposed bill, the suit of *scire facias* is dispensed with, and a suit may be brought and recovery had against the administrators and his sureties, so soon as there is a return of *nulla bona* against the administrator, upon a judgment and execution for assets.

The Committee, therefore, think that the proposed amendment of the law will be of much benefit, as reducing the delay and expense of parties at least one-third in all cases coming within its purview, without inconvenience or injustice to any one.

Respectfully submitted,

M. A. LONG,

Chairman Judiciary Committee.

Which was received and read, and the bill placed among the orders of the day.

The following message was received from the House of Representatives :

HOUSE OF REPRESENTATIVES, }
December 13, 1852.

Hon. PRESIDENT OF THE SENATE :

Sir,—The House have passed the following bills and resolution, viz :

A bill to be entitled An Act to incorporate the Pensacola and Georgia Railroad Company ;

A bill to be entitled An Act authorizing George H. Tresper to establish a ferry across the Suwannee River at Clay Landing ;

A bill to be entitled An Act for the relief of Henry C. Wilson ;

A bill to be entitled An Act to change the name of Sarah Ann Filyaw to that of Sarah Ann Blue ;

Resolution in relation to the establishment of a port of delivery at Bay Port.

Respectfully,

JOHN DICK,

Clerk House of Representatives.

Which was read, and the bills placed among the orders of the day. Also, the following, viz :

HOUSE OF REPRESENTATIVES, }
December 13, 1852.

Hon. PRESIDENT OF THE SENATE :

Sir,—The House have passed a bill to be entitled An Act to incorporate the Escambia Rail Road Company.

Respectfully,

JOHN DICK,

Clerk House of Representatives.

Which was read, and the bill placed among the orders of the day. Also, the following :

HOUSE OF REPRESENTATIVES, }
December 13, 1852.

Hon. PRESIDENT OF THE SENATE :

Sir,—Upon a re-consideration had this day upon the vote of the House concurring in the amendments to the bill to be entitled An Act for the relief of the Clerk of the Circuit Court of Holmes County, the House refused to concur in said amendments.

Respectfully,

JOHN DICK,

Clerk House of Representatives.